

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CRIMINAL NO. 1:05CR248-2**

**UNITED STATES OF AMERICA** )

**VS.** )

**ROBERT JEFFREY CODY** )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on the Defendant's timely filed objections to the Amended Memorandum and Recommendation of Magistrate Judge Dennis L. Howell. Pursuant to standing orders of designation and 28 U.S.C. § 636, the undersigned referred the Defendant's motion to suppress to the Magistrate Judge for a recommendation as to disposition. On January 18, 2006, the Magistrate Judge filed an Amended Memorandum and Recommendation denying the Defendant's motion.

The Court has been advised that the Defendant has filed a plea agreement herein and has formally entered his plea at a Rule 11 hearing conducted by the Magistrate Judge on March 9, 2006. Therefore, his objections to the Memorandum and Recommendation are moot.

**IT IS, THEREFORE, ORDERED** that, the Defendant having entered a guilty plea herein and his objections to the Memorandum and Recommendations are now moot, the Magistrate Judge's recommendation that the Defendant's motion to suppress be denied is hereby adopted by the Court and same is hereby **DENIED** in its entirety.

Signed: March 9, 2006

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

